

Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, November 17, 2011, at 10 a.m. in SD-430 to conduct a hearing entitled “The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities.”

For further information regarding this hearing, please contact Andrew Imparato of the committee staff on (202) 228-3453.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN
AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., to conduct a hearing entitled “Opportunities and Challenges for Economic Development in Indian Country.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 10, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Unemployment Insurance: The Path Back to Work.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “Improving Quality, Lowering Costs: The Role of Health Care Delivery System Reform” on November 10, 2011, at 1:30 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 10, 2011, at 10:00 a.m., in SH-216 of the Hart Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 10, 2011 at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Caroline Tess, a State Department detailee in my office, be granted the privilege of the floor for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, and 492, and all nominations on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. Giovanni K. Tuck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Robin Rand

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Everett H. Thomas

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Ronnie D. Hawkins, Jr.

The following Air National Guard of the United States officer for appointment in the

Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be Brigadier General

Col. Judy M. Griego

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. John W. Hesterman, III

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. David C. Coburn

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Joseph E. Martz

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brigadier General Ralph O. Baker
Brigadier General Allen W. Batschelet
Brigadier General Heidi V. Brown
Brigadier General John A. Davis
Brigadier General Patrick J. Donahue, II
Brigadier General Robert S. Ferrell
Brigadier General Stephen G. Fogarty
Brigadier General Charles W. Hooper
Brigadier General Paul J. LaCamera
Brigadier General Sean B. MacFarland
Brigadier General Kevin W. Mangum
Brigadier General Roger F. Mathews
Brigadier General Austin S. Miller
Brigadier General Camille M. Nichols
Brigadier General John R. O'Connor
Brigadier General Gustave F. Perna
Brigadier General Warren E. Phipps, Jr.
Brigadier General Gregg C. Potter
Brigadier General Nancy Lee S. Price
Brigadier General Jefferey A. Smith
Brigadier General Jeffrey J. Snow
Brigadier General Kenneth E. Tovo
Brigadier General Stephen J. Townsend
Brigadier General Thomas S. Vandal
Brigadier General Mark W. Yenter

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Peter M. Vangjel

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be Major General

Brig. Gen. Gill P. Beck

The following named officer for appointment as the Vice Chief of Staff of the Army and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be General

Gen. Lloyd J. Austin, III

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be Major General

Brig. Gen. Janet L. Cobb

The following named officer for reappointment in the United States Army to the grade indicated while assigned to a position of im-

portance and responsibility under title 10, U.S.C. section 601:

To be Lieutenant General

Lt. Gen. William B. Caldwell, IV

The following named officer for appointment as the Director, Army National Guard and for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 10506 and 601:

To be Lieutenant General

Maj. Gen. William E. Ingram, Jr.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Raymond A. Thomas, III

The following named officer for appointment to the grade indicated in the Army's Veterinary Corps under title 10, U.S.C., sections 3064 and 3084:

To be Brigadier General

Col. John L. Poppe

IN THE NAVY

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, U.S.C., sections 601 and 5137:

To be Vice Admiral

Rear Adm. Matthew L. Nathan

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be Rear Admiral

Rear Adm. (1h) Earl L. Gay

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Adm. Timothy M. Giardina.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Admiral William D. French

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN520 AIR FORCE nominations (2642) beginning MICHAEL W. AAMOLD, and ending JEFFREY T. ZURICK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

PN792 AIR FORCE nominations (1121) beginning JESSE ACEVEDO, and ending JESSE B. ZYDALLIS, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2011.

PN1057 AIR FORCE nominations (2) beginning DAVID S. CHOI, and ending MUHANNAD KASSAWAT, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2011.

PN1092 AIR FORCE nominations (27) beginning KRISTINE M. AUTORINO, and ending JASON S. WRACHFORD, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1095 AIR FORCE nominations (15) beginning MICHAEL J. APOL, and ending DAWN M. K. ZOLDI, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

IN THE ARMY

PN995 ARMY nomination of Kari L. Crawford, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN1014 ARMY nomination of Kent T. Critchlow, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1015 ARMY nominations (18) beginning CARLETON W. BIRCH, and ending JERRY M. WOODBERRY, which nominations were received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1027 ARMY nominations (2) beginning SCOTT D. STEWART, and ending SUSUMU UCHIYAMA, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1028 ARMY nominations (3) beginning RALPH M. CRUM, and ending JAMES E. LOWERY, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1029 ARMY nomination of Amanda E. Harrington, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1030 ARMY nomination of Ramon M. Angelucci, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1031 ARMY nomination of Charles S. Moore, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1032 ARMY nomination of Steven Gandia, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1033 ARMY nominations (2) beginning ADAM R. LIEBERMAN, and ending KENNETH J. ZENKER, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1034 ARMY nominations (2) beginning BRONSON B. WHITE, and ending MICHAEL K. DONEY, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1043 ARMY nominations (5) beginning GARY R. ALLEN, and ending ORAN L. ROBERTS, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1044 ARMY nominations (17) beginning PATRICK A. BARNETT, and ending JEFFREY P. VAN, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1058 ARMY nomination of Russel E. Perry, which was received by the Senate and appeared in the Congressional Record of October 18, 2011.

PN1075 ARMY nominations (3) beginning SHERRY L. GRAHAM, and ending NOREEN A. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1076 ARMY nominations (3) beginning JONATHAN H. JAFFIN, and ending CHARLES E. MCQUEEN, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1077 ARMY nominations (5) beginning JOHN P. GERBER, and ending GREGORY A. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1078 ARMY nominations (22) beginning LLOYNETTA H. ARTIS, and ending EDWARD E. YACKEL, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1079 ARMY nominations (31) beginning MARK R. BAGGETT, and ending JAMES E. TUTEN, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1080 ARMY nominations (25) beginning SUSAN K. ARNOLD, and ending RANDOLPH

SWANSIGER, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1098 ARMY nomination of Serafina Saula, which was received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1099 ARMY nominations (2) beginning TERRY L. CLARK, and ending DARRON T. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1100 ARMY nominations (3) beginning DAVID BUTLER, and ending TIMOTHY W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1101 ARMY nominations (3) beginning RANDALL D. ISOM, and ending MICHAEL A. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1102 ARMY nominations (5) beginning JOSEPH C. BARKER, and ending JAMES W. RING, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

IN THE NAVY

PN996 NAVY nomination of Paul E. Ware, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN997 NAVY nomination of Stephen A. Tankersley, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN1016 NAVY nomination of William B. Carter, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1017 NAVY nomination of Judith A. Ciesla, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1035 NAVY nominations (2) beginning Ben D. Ramaley, and ending Bernhard Zunkeler, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1045 NAVY nomination of David S. Fuchs, Jr., which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1046 NAVY nominations (3) beginning DANIEL J. TRAUB, and ending WILLIAM N. SOLOMON, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1103 NAVY nomination of Matthew J. Powers, which was received by the Senate and appeared in the Congressional Record of November 1, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. CANTWELL. Mr. President, I ask unanimous consent that on Tuesday, November 15, 2011, at 11 a.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 354 and Calendar No. 355; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the mo-

tions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING CONVEYANCE OF NOAA PROPERTY TO CITY OF PASCAGOULA, MISSISSIPPI

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 226, S. 363.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Wicker amendment at the desk be agreed to; the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 942) was agreed to, as follows:

Beginning on page 4, strike line 6, after "able", through line 11 and insert the following: "to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration."

The bill (S. 363), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of Commerce determines that it is in the best interest of the National Oceanic and Atmospheric Administration and the Federal Government to do so, the Secretary may convey to the City of Pascagoula, Mississippi, by standard quitclaim deed, real property consisting of parcels, or portions of parcels, under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere, including land and improvements thereon, within a tract roughly bounded by—

- (1) Delmas Avenue to the south;
- (2) Pascagoula River to the west;
- (3) Pol Street to the north; and
- (4) real property owned by the City of Pascagoula to the east.

(b) CONSIDERATION.—

(1) IN GENERAL.—For a conveyance under subsection (a), the Secretary shall require

that the United States receive consideration of not less than the fair market value of the property or rights conveyed.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) property (either real or personal), including tracts of real property and buildings, owned by the City of Pascagoula, that are located in such city south of Delmas Avenue, as well as a contiguous portion of the street known as Delmas Avenue adjacent to real property under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere;

(B) cash or cash equivalents; and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit, including construction, repair, remodeling, or other physical improvements;

(ii) maintenance of property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based on a highest- and best-use appraisal of the properties conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Any amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Secretary may require such additional terms and conditions with the exchange of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(2) EASEMENTS OR RIGHTS OF WAY.—The Secretary may grant or convey to the City of Pascagoula a right of way or easement if the Secretary determines such grant or conveyance is in the best interest of the Administration and the Federal Government.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. CANTWELL. I ask unanimous consent that the Judiciary Committee be discharged from the further consideration of H.R. 398, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 398) to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

Ms. CANTWELL. I ask unanimous consent that the bill be read a third time and the Senate now proceed to a vote on the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on third reading and passage of the bill.

The bill (H.R. 398) was read the third time and passed.

Ms. CANTWELL. Mr. President, I ask unanimous consent the motion to reconsider be laid on the table, with no